



General Assembly

February Session, 2016

***Raised Bill No. 5390***

LCO No. 1379



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT CONCERNING WRITTEN INSTRUCTIONS AND OPINIONS  
FROM THE SECRETARY OF THE STATE.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1       Section 1. Section 9-3 of the 2016 supplement to the general statutes  
2       is repealed and the following is substituted in lieu thereof (*Effective July*  
3       *1, 2016*):

4       (a) The Secretary of the State, by virtue of the office, shall be the  
5       Commissioner of Elections of the state, with such powers and duties  
6       relating to the conduct of elections as are prescribed by law and, unless  
7       otherwise provided by state statute, the Secretary's regulations,  
8       declaratory rulings, instructions and opinions, if in written form, and  
9       any order issued under subsection (b) of this section, shall be  
10      presumed as correctly interpreting and effectuating the administration  
11      of elections and primaries under this title, except for chapters 155 to  
12      158, inclusive, and shall be executed, carried out or implemented, as  
13      the case may be, provided nothing in this section shall be construed to  
14      alter the right of appeal provided under the provisions of chapter 54.

15 [Any] Each such written instruction or opinion shall (1) be labeled as  
 16 an instruction or opinion, as applicable, issued pursuant to this section,  
 17 [as applicable, and any such instruction or opinion shall] (2) cite any  
 18 authority that is discussed in such instruction or opinion, and (3) be  
 19 published and made available in a permanent public archive on the  
 20 Secretary of the State's Internet web site.

21 (b) During any municipal, state or federal election, primary or  
 22 recanvass, or any audit conducted pursuant to section 9-320f, the  
 23 Secretary of the State may issue an order, whether orally or in writing,  
 24 to any registrar of voters or moderator to correct any irregularity or  
 25 impropriety in the conduct of such election, primary or recanvass or  
 26 audit. Any such order shall be effective upon issuance. As soon as  
 27 practicable after issuance of an oral order pursuant to this subsection,  
 28 the Secretary shall reduce such order to writing, cite within such order  
 29 any applicable provision of law authorizing such order and cause a  
 30 copy of such written order to be delivered to the individual who is the  
 31 subject of such order or, in the case that such order was originally  
 32 issued in writing, issue a subsequent written order that conforms to  
 33 such requirements. The Superior Court, on application of the Secretary  
 34 or the Attorney General, may enforce by appropriate decree or process  
 35 any such order issued pursuant to this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2016	9-3

**Statement of Purpose:**

To require that all written instructions and opinions issued by the Secretary of the State be published and permanently archived on the Secretary's Internet web site.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*